



WISCONSIN STATE ASSEMBLY

STATE REPRESENTATIVE  
**TERESE BERCEAU**

77TH DISTRICT

Testimony of State Representative Terese Berceau  
Assembly Committee on State Affairs  
Tuesday, February 20, 2018

**2017 Assembly Bill 149**  
Sales and use tax exemption for the sale of gun safes

Representative Swearingen, thank you for agreeing to hold this public hearing on Assembly Bill 149.

This bi-partisan legislation creates a sales and use tax exemption for sales of safes that are specifically designed for the storage of guns. It will encourage gun owners to store their weapons securely, help prevent accidental injuries and deaths (especially those involving children), decrease teen suicides, and reduce the number of gun thefts.

Every single gun that winds up in the hands of a minor child first passes through the hands of an adult.

According to a survey of news reports conducted by the *Washington Post*, 58 children under the age of three shot someone in 2015 – that's more than one incident of a toddler shooting someone per week.

I've handed out a lengthy article about children shooting themselves or other people. A three-year-old in Ohio found a gun his father had hidden under the couch and shot himself in the eye. An eight-year old boy in North Carolina found his mother's handgun on her bed and shot his five-year-old brother. A Georgia two-year-old found a loaded gun under a pillow on his father's bed and fatally shot himself in the head. Two years old.

As the above cases show, hiding guns doesn't keep them out of the hands of children. An analysis conducted by Harvard University found that over seven in ten kids aged ten and younger knew where guns were kept hidden in their homes. 70 percent. Over one-third of the children indicated they had previously handled the firearms.

About one-third of all households with children also have guns. Research indicates there are more than 500,000 children in Wisconsin who live in homes where firearms are present. Gun owners in only 40% of those households store their firearms in the manner most likely to protect children – unloaded and locked.

Between 2007 and 2015, the suicide rate for teen girls doubled; it went up 30 percent for teen boys. Suicide is the second leading cause of death for people ages ten to 24. The rate of child suicide in Wisconsin is almost 1/3 higher than the national rate and is trending upward.

According to the Centers for Disease Control, it rose 31 percent between 2008 and 2014, while the national rate dropped by seven percent.

Using a firearm is the most lethal method of committing suicide – over 90% of attempts are fatal. Forty percent of kids at risk for suicide live in homes with unsecured guns.

The advent of social media and cyberbullying has increased suicide risk for teenagers. Many kids, who might already have shaky self-esteem, compare themselves with others and feel they come up short. Often, they lack the maturity to comprehend that rash, impulsive decisions to deal with the temporary circumstances of youth can have life-changing or even life-ending consequences.

Properly storing firearms and ammunition can also significantly reduce the number of gun thefts. Data from the Bureau of Alcohol, Tobacco, Firearms, and Explosives show that a gun is stolen every two minutes in this country.

Research conducted by the Northeastern University Department of Health Sciences and the Harvard T.H. Chan School of Public Health indicated that the rate of firearm theft was twice as high if gun owners didn't store their weapons securely. This was especially true when people kept guns in vehicles. This survey estimated about 380,000 firearms are stolen from individuals annually.

A Center on American Progress analysis of FBI data found that there were over 11,100 guns, worth \$5 million, stolen from individual gun owners in Wisconsin from 2012 through 2015. That number is probably an undercount, since between 14 and 23 percent of lost or stolen guns are never reported to law enforcement. The vast majority of stolen guns, around 90 percent, are never recovered.

AB 149 does not require gun owners to buy gun safes or to store their weapons in a safe. Instead, it encourages them to adopt best practices for safe and responsible gun ownership and gives them a small financial incentive to do so.

# Children and Guns: The Hidden Toll

By **MICHAEL LUO** and **MIKE McGUIRE** SEPTEMBER 28, 2013 1467 COMMENTS

**E-MAIL** The .45-caliber pistol that killed Lucas Heagren, 3, on Memorial Day last year at his Ohio home had been temporarily hidden under the couch by his father. But Lucas found it and shot himself through the right eye. "It's bad," his mother told the 911 dispatcher. "It's really bad."

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A few days later in Georgia, Cassie Culpepper, 11, was riding in the back of a pickup with her 12-year-old brother and two other children. Her brother started playing with a pistol his father had lent him to scare coyotes. Believing he had removed all the bullets, he pointed the pistol at his sister and squeezed the trigger. It fired, and blood poured from Cassie's mouth.

**VIDEO | 0:59**

**"It Was a Horrible, Horrible Accident"**

Jodi Sandoval's 14-year-old son, Noah McGuire, was accidenta in Ohio last year by his friend Levi Reed. Photo: Michael F. McE Christopher Toothman for The New York Times

[Watch the Full Video »](#)

Just a few weeks earlier, in Houston, a group of youths found a Glock pistol in an apartment closet while searching for snack money. A 15-year-old boy was handling the gun when it went off. Alex Whitfield, who had just turned 11, was struck. A relative found the bullet in his ashes from the funeral home.

## BEARING ARMS

Examining the gun industry's influence and the availability of firearms in America

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Cases like these are among the most gut-wrenching of gun deaths. Children shot accidentally — usually by other children — are collateral casualties of the accessibility of guns in America, their deaths all the more devastating for being eminently preventable.

They die in the households of police officers and drug dealers, in broken homes and close-knit families, on rural farms and in city apartments. Some adults whose guns were used had tried to store them safely; others were grossly negligent. Still others pulled the trigger themselves, accidentally fracturing their own families while cleaning a pistol or hunting.

And there are far more of these innocent victims than official records show.

A New York Times review of hundreds of child firearm deaths found that accidental shootings occurred roughly twice as often as the records indicate, because of idiosyncrasies in how such deaths are classified by the authorities. The killings of Lucas, Cassie and Alex, for instance, were not recorded as accidents. Nor were more than half of the 259 accidental firearm deaths of children under age 15 identified by The Times in eight states where records were available.

As a result, scores of accidental killings are not reflected in the official statistics that have framed the debate over how to protect children from guns.

there was anything in it, and he was just trying to start the engine. When the engine started, he was meaning to intentionally hurt her. Nicholas stated that when he pointed the gun and pulled the trigger that the gun went off. Nicholas advised that it scared him. Nicholas advised that blood started coming out of Cassie's mouth. Nicholas advised that his mother slammed on the brakes and stopped the truck, and got out and asked what had happened. Nicholas stated that he advised his mother that he had just accidentally shot Cassie. Nicholas advised that they had opened up the tailgate and looked at Cassie and blood was coming out. Nicholas advised that they tried to shut the tailgate back. Nicholas advised that there was a little music playing with them and the woman's name got

**RECORD OF MEDICAL EXAMINER**

CITY DALTON		COUNTY WHITFIELD	
NAME OF DECEASED CASSIE CULPEPPER			
RESIDENCE OF DECEASED			
AGE/DOB 11 YEARS - 5/ 1/2001	SEX F	RACE W	
MANNER OF DEATH	NATURAL	HOMICIDE	SUICIDE
		X	
CAUSE OF DEATH	GUNSHOT WOUND OF THE HEAD		SIGNOUT 6/6/2012

The police investigation report in the Cassie Culpepper case indicates that her brother, Nicholas, shot her accidentally. But the state medical examiner classified her death as a homicide, a common practice for unintentional firearm deaths in which one person shoots another.

The National Rifle Association cited the lower official numbers this year in a fact sheet opposing "safe storage" laws, saying children were more likely to be killed by falls, poisoning or environmental factors — an incorrect assertion if the actual number of accidental firearm deaths is significantly higher.

In all, fewer than 20 states have enacted laws to hold adults criminally liable if they fail to store guns safely, enabling children to access them.

Legislative and other efforts to promote the development of childproof weapons using "smart gun" technology have similarly stalled. Technical issues have been an obstacle, but so have N.R.A. arguments that the problem is relatively insignificant and the technology unneeded.

Because of maneuvering in Congress by the gun lobby and its allies, firearms have also been exempted from regulation by the Consumer Product Safety Commission since its inception.

Even with a proper count, intentional shooting deaths of children — including gang shootings and murder-suicides by family members — far exceed accidental gun

deaths. But accidents, more than the other firearm-related deaths, come with endless hypotheticals about what could have been done differently.

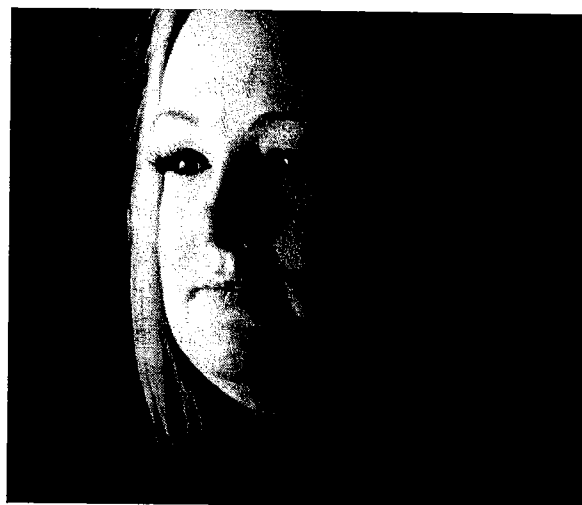
The rifle association's lobbying arm recently posted on its Web site a claim that adult criminals who mishandle firearms — as opposed to law-abiding gun owners — are responsible for most fatal accidents involving children. But The Times's review found that a vast majority of cases revolved around children's access to firearms, with the shooting either self-inflicted or done by another child.

A common theme in the cases examined by The Times, in fact, was the almost magnetic attraction of firearms among boys. In all but a handful of instances, the shooter was male. Boys also accounted for more than 80 percent of the victims.

Time and again, boys could not resist handling a gun, disregarding repeated warnings by adults and, sometimes, their own sense that they were doing something wrong.

When Joshua Skorczewski, 11, took an unloaded 20-gauge shotgun out of the family gun cabinet in western Minnesota on July 28, 2008, it was because he was excited about going to a gun safety class that night and wanted to practice.

But for reasons that he later struggled to explain to the police, Joshua loaded a single shell into the gun and pulled the hammer back. He decided he should put the gun back, but his finger slipped. It fired, killing his 12-year-old sister, Natasha, who was standing in the kitchen with him. When his mother called from work to check on them, a shaken Joshua told her he had just called 911: "Mom, I shot Tasha."



Alex Whitfield, 11, of Houston, was accidentally shot and killed by a 15-year-old friend with a gun they found in a closet in his father's apartment. His mother, Christina Wenzel, is at right. Right: Michael Stravato for The New York Times

Christina Wenzel, the mother of Alex Whitfield, had tried to make sure he did not visit anyone's house if guns were present. What she did not know, when Alex went to his father's apartment last April, was that a family member had stored three loaded guns

there.

"I always thought I had Alex protected from being killed by another child by a gun that was not secured," Ms. Wenzel said. "Unfortunately, I was mistaken."

## Undercounting Deaths

Compiling a complete census of accidental gun deaths of children is difficult, because most states do not consider death certificate data a matter of public record. In a handful of states, however, the information is publicly available. Using these death records as a guide, along with hundreds of medical examiner and coroner reports and police investigative files, The Times sought to identify every accidental firearm death of a child age 14 and under in Georgia, Minnesota, North Carolina and Ohio dating to 1999, and in California to 2007. Records were also obtained from several county medical examiners' offices in Florida, Illinois and Texas.

The goal, in the end, was an in-depth portrait of accidental firearm deaths of children, one that would shed light on how such killings occur and might be prevented. In all, The Times cataloged 259 gun accidents that killed children ages 14 and younger. The youngest was just 9 months old, shot in his crib.

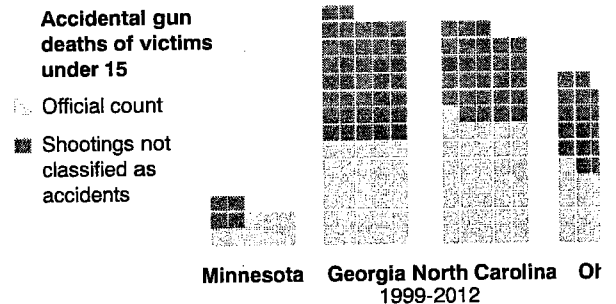
In four of the five states — California, Georgia, North Carolina and Ohio — The Times identified roughly twice as many accidental killings as were tallied in the corresponding federal data. In

the fifth, Minnesota, there were 50 percent more accidental gun deaths. (The Times excluded some fatal shootings, like pellet gun accidents, that are normally included in the federal statistics.)

The undercount stems from the peculiarities by which medical examiners and coroners make their "manner of death" rulings. These pronouncements, along with other information entered on death certificates, are the basis for the nation's mortality statistics, which are assembled by the National Center for Health Statistics, a division of the Centers for Disease Control and Prevention. Choosing among five options — homicide, accidental, suicide, natural or undetermined — most medical examiners and coroners simply call any death in which one person shoots another a homicide.

### Undercounting Child Gun Accidents

When children are killed in unintentional shootings, medical examiners and coroners classify many as homicides, or even suicides. A detailed analysis by The New York Times of death records, available in just a handful of states, found that federal statistics appeared to understate the actual number of child gun deaths.



"A homicide just means they died at the hands of another," said Dr. Randy L. Hanzlick, the chief medical examiner for Fulton County, Ga. "It doesn't really connote there's an intent to kill."

These rulings can be wildly inconsistent.

In Bexar County, Tex., for example, the medical examiner's office issued a finding of homicide in the death of William Reddick, a 9-month-old who was accidentally killed on May 17, 1999, when his 2-year-old brother opened a dresser drawer while in the crib with him, grabbed a pistol and pulled the trigger.

But the next year, when Kyle Bedford, 2, was killed by his 5-year-old brother, who had found a gun on a closet shelf, the same office classified the death as an accident.

#### CONCLUSION

After consideration of autopsy findings and available investigative information, it is our opinion that the decedent, Kyle Brennon Bedford, a 2 year old male, died as a result of a single penetrating gunshot wound of the head. The bullet entered over the back of the head and was recovered from a point beneath the skin over the left side of the head. The decedent was reportedly shot when a firearm, with which his 5 year old sibling was playing, discharged, striking the decedent. Because of the age of the sibling handling the firearm when it discharged, the manner of death is classified as accident.

**MANNER OF DEATH:** Accident.

#### CONCLUSION

In consideration of the circumstances surrounding the death and after examination of the body, it is our opinion that the death of William Reddick, a 9 month old white male infant, was the result of a gunshot wound to the base of the neck/upper right shoulder that extended through the chest and abdominal cavity. Autopsy did reveal the gunshot wound to be of relatively close range with powder tattooing on the right cheek and neck. It was reported that he was shot by his 2 year old brother while they were both in a crib. It was also reported that the brother had gotten the loaded gun from a dresser drawer near the crib.

**MANNER OF DEATH:** Homicide.

The circumstances behind the accidental shooting deaths of Kyle Bedford and William Reddick were similar. But the Bexar County Medical Examiner's Office ruled one was a homicide and the other was an accident, highlighting just how inconsistent these pronouncements can be.

Even self-inflicted shootings that are clearly accidental, like that of Lucas Heagren in Ohio, can wind up classified as homicides.

Lucas's father, Joshua Heagren, had tried to teach the 3-year-old to respect firearms. The boy had gotten a .22 rifle for Christmas, and his father showed him how to fire it. But he also warned him to handle it only when an adult was present.

"He never even attempted to touch guns when Josh wasn't around," Lucas's mother, Kaitlin Campbell, testified at Mr. Heagren's trial, where he was convicted of negligent homicide and endangering children. "He knew."

On the day of the accident, Mr. Heagren had been planning to go out shooting, so he took his pistol from the bedroom, where he normally kept it in a holster between the mattress and the box spring, according to his court testimony. When Ms. Campbell and Lucas returned from buying an inflatable swimming pool, Mr. Heagren slid his gun under the couch before heading outside to set up the pool.

At some point, with his mother distracted by her phone a few steps away, Lucas discovered the gun, grabbed the butt and squeezed the trigger with his thumbs, according to the authorities.

"Our thought process was, parents have a duty to keep their child safe," said Dr. Lisa Kohler, the Summit County medical examiner, whose office classified the case as a homicide. "Leaving a loaded weapon in an area where the child can easily access it is neglect in our mind. Therefore parents have failed to keep a child safe, and therefore it's a homicide."

After an examination of all available evidence, I do find that the deceased came to the death by:

STATE OF OHIO	{	Gunshot wound to the head.
	{	HOMICIDE: Shot himself with an unsecured handgun.
	{	
COUNTY OF SUMMIT	{	

Even cases in which children accidentally shoot themselves can wind up being classified as homicides, as shown in this Summit County Medical Examiner's report on the death of Lucas Heagren.

Dr. Kohler said that because of the neglect issue, her office would almost never classify a firearm-related death as accidental, but added, "Different jurisdictions are going to handle things differently."

Bob Anderson, the chief of the mortality statistics branch at the National Center for Health Statistics, explained that the federal data on firearm deaths are "only as good as the information that comes in."

"I try to tell people when they look at the accidental data, particularly for children, you have to recognize it's an underestimate," he said.

A few public health researchers have noted the undercount in the past, based on their



Lucas Heagren with his father, Joshua, on Christmas 2011, holding that was a present. The photograph was evidence in Mr. Heagren's homicide trial after Lucas shot himself.



own academic studies. (One study found the opposite phenomenon — an overcount — among fatal gun accidents involving adults because of a different quirk in the data.) To get more accurate information about firearm deaths, researchers have pushed for the expansion of the National Violent Death Reporting System.

The effort first started in the 1990s at the C.D.C. but was shut down shortly afterward when Congress, at the urging of the N.R.A., blocked firearms-related research at the centers. The project was revived in 2002 after researchers decided to expand its scope beyond guns, but it is up and running in only 18 states. President Obama has called for increased financing for the program, part of a package of gun-related proposals made after the school shooting in Newtown, Conn., last December.

Another important aspect of firearm accidents is that a vast majority of victims do not die. Tracking these injuries nationally, however, is arguably just as problematic as tallying fatalities, according to public health researchers. In fact, national figures often cited from the Centers for Disease Control and Prevention's Web site are an estimate, projected from a sampling taken from hospital emergency departments. Nevertheless, in 2011, the most recent year with available data, the agency estimated that there were 847 unintentional nonfatal firearm injuries among children 14 and under.

More concrete are actual counts of emergency department visits, which are available in a small number of states. In North Carolina, for instance, there were more than 120 such visits for nonfatal gun accidents among children 17 and under in 2010, the most recent year for which data is available.

## A Failed Lock

On a hot and humid August afternoon last year in Hinesville, Ga., Matthew Underhill, a staff sergeant in the Army, was mowing the lawn while his wife, Tessa, was in the house watching television with their 5-year-old son, Matthew. Their other son, Tristan, 2, was scampering down a hallway toward the bedrooms.

It had been a good day for Tristan. He had used the potty for the first time. He and his mother had danced a little jig. Down the hall, Tristan entered the bedroom where his father had been staying because of quarrels with his wife. She had chided her husband in the past for forgetting to safely store his .45-caliber handgun. But he had recently put a lock on his door to keep out his wife and children. He thought he had locked the door before going out to cut the grass.

The lock, though, had failed to catch. Tristan found the loaded gun under the pillow on his father's bed. He pointed it at his own forehead and pulled the trigger. Hearing

the gunshot, Sergeant Underhill sprinted inside to find Tristan face down on the bed, the gun beneath him. When he called 911, the sergeant was screaming so hysterically that the dispatcher initially mistook him for a woman.

"My 2-year-old just shot himself in the head," he said breathlessly. "He's dead."

Tristan's death underscored several themes running through the cases examined by The Times.



Tristan Underhill, 2, died from an accidental self-inflicted gunshot. He found his father's gun under a pillow in an unlocked bedroom.

While about 60 percent of the accidental firearm deaths identified by The Times involved handguns as opposed to long guns, that number was much higher — more than 85 percent — when the victims were very young, under the age of 6. In fact, the average handgun victim was several years younger than long gun victims: between 7 and 8, compared with almost 11.

Over all, the largest number of deaths came at the upper end of the age range, with ages 13 and 14 being most common — not necessarily surprising, given that parents generally allow adolescents greater access to guns. But the third-most common age was 3 (tied with 12), a particularly vulnerable age, when children are curious and old enough to manipulate a firearm but ignorant of the dangers.

About a quarter of the victims shot themselves, with younger children again especially susceptible. More than half of the self-inflicted shootings involved children 5 or under; the most common age was 3.

About half of the accidents took place inside the child's home. A third, however, occurred at the house of a friend or a relative, pointing to a potential vulnerability if safe-storage laws apply only to households with children, as in North Carolina.

In opposing safe-storage laws, some gun rights advocates have argued that a majority of accidental shootings of children are committed by adults with criminal backgrounds. The Times's review found that was not the case — children were most often the shooters — and that the families involved came from all walks of life.

On Dec. 1, 2006, Beth Dwyer was getting her two boys, ages 5 and 8, ready for school. Her husband, Daron, the minister of music at the family's church in Gastonia, N.C., was not home because he had enrolled in a seminary several hours away. The

night before, Ms. Dwyer had taken the family's .25-caliber handgun from the top drawer of a dresser and placed it next to her on the bed. In the morning, she forgot to put it away.

Her 8-year-old found the gun. He initially tried to cock it and pulled the trigger, pointing the gun at the bathroom floor, but nothing happened, according to the medical examiner's report. Evidently thinking the gun was empty, he tried again, pointing the gun at his brother, Matthew, who was crouched on the bathroom counter, having just finished brushing his teeth. This time, with a live round in the chamber, the gun went off, and Matthew toppled to the floor, shot through the forehead.

Even in accidental shootings where criminals were in some way involved, they usually were not the ones pulling the trigger. Rather, they — like many law-abiding adults in these cases — simply left a gun unsecured.

As a felon, Anthony Wise was not supposed to have a firearm. But he was able to buy a .38 Special revolver on the street for \$30. He had it in his ex-girlfriend's apartment in Venice, Ill., on Jan. 29, 2007, when he left it next to a computer in the living room and went to another room. Within minutes, a 4-year-old boy, one of several small children in the apartment, picked up the gun and pointed it at his 2-year-old cousin, Timberlyn Terrell. The gun fired. The boy later told an investigator what happened next.

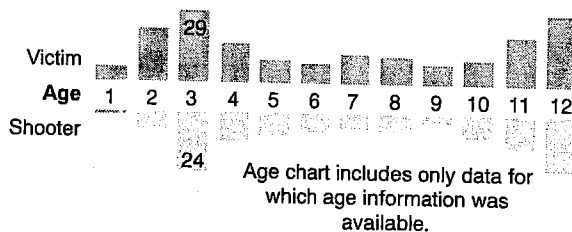
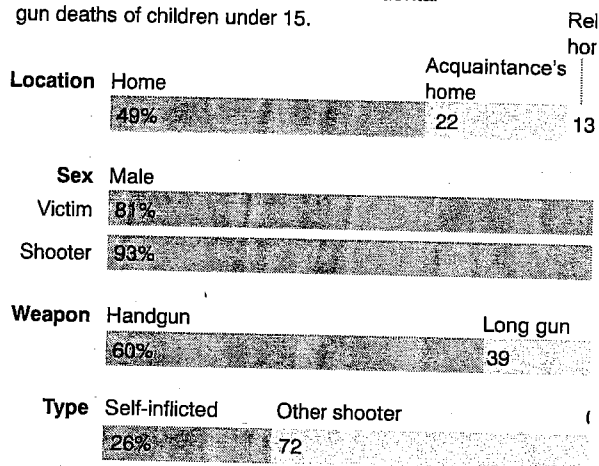
"Blood came out of her forehead," the boy said, according to a transcript of the interview. He then said he did not want to talk about it anymore and asked for "my mama."

Timberlyn died. Mr. Wise was convicted of felony firearm possession, but his 10-year federal prison sentence was based in part on the judge's determination that he had also endangered a child with his negligence.

"Wise would have been a felon in possession even had he possessed the gun in a more responsible way — say, if he had kept it unloaded in a locked cabinet, or if he

### A Census of Tragedy

From a detailed examination of 259 accidental gun deaths of children under 15.



Based on a detailed examination of 259 gun deaths of children in jurisdictions that make death records public, including California, Minnesota, North Carolina and Ohio, as well as Bexar, Tarrant and counties in Texas; Broward and Orange Counties in Florida; and Ill.

had kept it unloaded with a trigger lock," an appellate judge wrote in rejecting his bid for leniency. "More than likely, though, responsible possession would not have endangered the lives of children."

## Safety vs. Self-Defense

The impact of the undercount of accidental gun deaths emerges in stark relief in the statehouse battles over gun-storage laws.

In state after state and often with considerable success, gun rights groups have cited the federal numbers as proof that the problem is nearly inconsequential and that storage laws are unnecessary. Gun Owners of America says on its Web site that children are "130 percent more likely to die from choking on their dinner" than from accidental shootings.

In February 2012, the rifle association issued a member alert about a proposed safe-storage law in Washington State, arguing that shootings are "at the bottom of the list of causes of accidental harm to children." The group accused State Senator Adam Kline, who introduced the measure, of being interested only in "making life miserable for law-abiding gun owners." The legislation never made it out of committee.

Under the Centers for Disease Control and Prevention figures, in fact, gun accidents were the ninth-leading cause of unintentional deaths among children ages 1 to 14 in 2010. (The agency reported 62 such killings that year.) If the actual numbers are, in fact, roughly double, however, gun accidents would rise into the top five or six.

Gun rights groups have certainly called on gun owners to safely store their firearms. The National Shooting Sports Foundation says that it has distributed 36 million free firearm safety kits and that manufacturers have shipped 60 million locks with guns sold since 1998. But the groups argue that requiring gun owners to lock up their weapons could make it harder to use them for self-protection.

The rifle association and its allies also often note that studies on the impact of safe-storage laws have found mixed results. But those studies are based on the flawed government statistics.

"When we're evaluating child access laws, we're using total trash data," said Catherine Barber, a researcher at the Injury Control Research Center of the Harvard School of Public Health.

Getting a definitive count of the number of states with a safe-storage law is difficult, but The Times identified only 18, using information from the Law Center to Prevent

Gun Violence and researchers who have studied the laws. And in most of those states, charges can be brought only if the child uses the weapon in a threatening manner, injures someone with it or displays it in public.

Even so, in one state, North Carolina, where the law is narrowly drawn to apply only to adults with minors living at home, the authorities charged about 150 people between June 2006 and June 2011, an analysis of court records shows.

Jodi Sandoval of Ohio discovered the limits of her state's laws after her 14-year-old son, Noah McGuire, was accidentally killed on July 5, 2012, in a suburb of Columbus.

Noah had slept over at the home of his close friend Levi Reed, who lived with his grandparents. In the morning, with no adults around, the boys went looking for a lighter to set off some fireworks. Instead, they found a .45-caliber handgun behind a television in a bedroom, one of three guns that Levi's grandfather later told the police he had kept there for protection.

VIDEO | 4:29

#### An Accidental Shooting

14-year-old Noah McGuire was accidentally shot by a friend, who had been kept behind a television. Photo: Chris Parker/ThisWeek N Video: Vijai Singh and Christopher Toothman for The New York

Though his grandfather had always admonished him never to handle the weapons, Levi, 14, removed the magazine, pointed the gun at his friend and pulled the trigger. He did not realize that a round had remained in the chamber.

Levi was recently sentenced in juvenile court to 12 months of probation for reckless homicide, a felony. Ms. Sandoval strongly opposed the prosecution, telling the court at Levi's sentencing that the adults who failed to properly secure the gun were the ones who should be punished. But there is no safe-storage law in Ohio.

"There are no accidents," Ms. Sandoval said. "There are simply irresponsible, stubborn, cowardly adults unwilling to stand up against the gun lobby and those who support it."

A safe-storage bill was introduced in the Ohio legislature in February, prompted by a shooting that killed three students at a high school in suburban Cleveland. But the measure, which would prohibit storing a firearm in a residence in a place readily accessible to a child, has encountered skepticism from the Republicans who control the legislature.

"The tenor was, somebody breaks in, do I have time enough to get to my gun?" said State Representative Bill Patmon, a Democrat who introduced the bill.

A similar measure introduced in Louisiana this year also went nowhere.

The N.R.A. has long argued that better education is the key to preventing gun accidents, citing its Eddie Eagle GunSafe program, which teaches children as young as 3 that if they see a gun, they should "stop, don't touch, leave the area and tell an adult." The association, which did not respond to a request for comment, says its program has reached more than 26 million children in all 50 states and should be credited for the deep decline in accidental gun deaths shown in federal statistics dating to the mid-1980s.

Beyond the unreliability of the federal data, public health experts have disputed the N.R.A.'s claims, pointing to other potential explanations for the decline, including improvements in emergency medical care, along with data showing fewer households with firearms. They also highlight research indicating that admonishing children to stay away from guns is often ineffective.

"I have no problem with that message, and I would hope every child in America could follow it," said Dr. Arthur Kellermann, a co-author of a study published in 2001 in the journal *Pediatrics*. "I just know that they won't."

As part of Dr. Kellermann's study, researchers watched through a one-way mirror as pairs of boys ages 8 to 12 were left alone in an examination room at a clinic in Atlanta. Unknown to the children, an inoperative .38-caliber handgun was concealed in a cabinet drawer.

Playing and exploring over the next 15 minutes, one boy after another — three-quarters of the 64 children — found the gun. Two-thirds handled it, and one-third actually pulled the trigger. Just one child went to tell an adult about the gun, and he was teased by his peers for it. More than 90 percent of the boys said they had had some gun safety instruction.

Other research has found that simply having a firearm in the household is correlated with an increased risk of accidental shooting death. In one study, published in 2003 in the journal



Noah McGuire with his father, Matt McGuire. Noah was shot by Reed with a gun found in Levi's grandfather's house. Levi though unloaded.

Accident Analysis and Prevention, the risk was more than three times as high for one gun, and almost four times as high for more than one.

As a solution, many behavioral researchers advocate greater emphasis on child-proofing firearms, along with safe-storage laws. But requiring, or even encouraging, efforts to introduce "smart gun" technology remains unpopular with the gun lobby, which has worked to undermine such research and attempts to regulate firearms as a dangerous consumer product.

In 2000, after President Bill Clinton proposed spending \$10 million to help develop a gun that could be fired only by its owner, the rifle association ran derisory radio ads. One, called "Mad Scientist," featured a Clinton impersonator and a bumbling scientist "deep in the White House laboratory," trying in vain to get the new technology to work.

A commercially successful smart gun has, in fact, proved difficult to develop. Hurdles include creating fail-safe user-recognition technology, integrating delicate electronic components that can withstand shock from repeated firings, and allaying concerns of manufacturers fearful of liability if a supposedly safe gun was to fail.

Technologies exist, but a lack of research financing has hobbled their progress to the market, as have questions about whether consumers would actually want them. The opposition from gun rights advocates has certainly not helped. Some gun control advocates, meanwhile, fear that such technologies would lead to greater acceptance of firearms in the home.

In the mid-2000s, an Australian defense technology company called Metal Storm teamed with the gun maker Taurus International Manufacturing and the New Jersey Institute of Technology to develop a gun in the United States that would have fired only when gripped by its owner. New Jersey became the first state to require that handguns use smart-gun technology within three years after it is deemed safe and commercially available.

But Taurus backed out within a few months, citing competing priorities, and the project fell apart. Charles Vehlow, Metal Storm's chief executive at the time, said that while he did not know exactly what pressures Taurus faced, there was a general wariness of smart-gun efforts among manufacturers and pro-gun groups.

"There was no question that the N.R.A. was very sensitive and was aware of what we were doing," he said.

The Colt's Manufacturing Company and Smith & Wesson experienced a backlash against their own smart-gun programs, which were abandoned amid financial problems caused, in part, by boycotts from gun groups and others in the industry. So unpopular was the whole smart-gun concept that Colt's Manufacturing later could not

even find a buyer for its patents, said Carlton Chen, a former lawyer for the company.

"I think people looked at Colt's, they looked at the boycott and they looked at Smith & Wesson, and they thought, 'Do we really want to go it alone?'" Mr. Chen said. "Gun companies have to be fairly careful about what they do."

Gun rights lobbyists have also helped keep firearms and ammunition beyond the reach of the Consumer Product Safety Commission, which has the power to regulate other products that are dangerous to children. The N.R.A. argues that the commission would provide a back door for gun control advocates to restrict the manufacture of firearms. Proponents of regulation say guns pose too great a hazard to exclude them from scrutiny.

"We know in the world of injury control that designing safer products is often the most efficient way to reduce tragedies," said Dr. Kellermann, the co-author of the boys-and-guns study, who is a dean at the Uniformed Services University of the Health Sciences. "Why, if we have childproof aspirin bottles, don't we have childproof guns?"

## A Complex Relationship

A few months ago, Daron Dwyer took his 14-year-old son shooting for the first time, six years after he accidentally killed his brother with the gun he found in his parents' North Carolina bedroom.

Mr. Dwyer had removed all the guns from the house, sending them to his father. But about a year ago, his son started asking if he could learn to shoot. Mr. Dwyer said he would think about it.

It was a question that Mr. Dwyer, who now works as a fitness director at a Y.M.C.A., knew would come. Relatives would often go shooting together during family gatherings. His son was fascinated by all things military. Guns were simply a part of life where they were from. "In my context, there's a part of a young man's growing-up experience that includes exposure to firearms," Mr. Dwyer said. "That's one of the



Matthew Dwyer, 5, was shot by his brother with a pistol his mother found in their home in North Carolina.



responsibilities, like learning how to drive a car.”

Mr. Dwyer also saw an opportunity for forgiveness. “It’s kind of a tangible expression of the reality of ‘I do not hold this against you,’ ” he said.

So, alone in the Tennessee woods with his son this past spring, Mr. Dwyer watched him fire a .22 rifle a few times, and a 12-gauge shotgun. In the shattering of the stillness of the forest clearing, both sensed the import of the moment.

“I’m a quietly emotional person usually,” Mr. Dwyer said. “And so I didn’t burst into tears or anything, but inside that’s exactly what it was, mostly in the sense of me wanting him to realize this whole thing of forgiveness, to really feel the impact of the weight lifted, which I think he did.”

Mr. Dwyer’s feelings on guns today are complicated. He still firmly believes in “the right for people to defend themselves.” At the same time, he said: “It is also right to protect children from danger. Those are things you have to hold in tension.”

Under North Carolina law, his wife could have been charged for failing to keep the gun that killed their younger son stored safely. But she was not. Mr. Dwyer described her mistake as a momentary mental lapse, not blatant negligence. And he said that while he agreed with the law in principle, he also had sympathy for the objections to it.

“For defense at night,” he said, “I don’t think you should have to have a lock on it because you’re going to have to access it quickly.”

The deep hold that guns have on American culture also emerges in interviews with several other parents who lost children to firearms accidents.

In the summer of 2009, Joshua Skorczewski finally completed the gun safety classes he had been planning to attend a year before, the night he accidentally killed his sister in Minnesota. His parents thought that it would be good for him to be schooled on safety, that the training would be helpful, “so he would not be afraid of guns,” said his mother, Wendy Skorczewski.

Ms. Skorczewski had once planned to go through the classes too, but later decided against it. “I don’t want nothing to do with them anymore,” she said.

For two years after Joshua went through the training, the family’s rifles and shotguns remained locked away. Joshua and his father returned to bowhunting, but it was not until 2011 that they took out the shotguns again to hunt pheasants.

Ms. Skorczewski explained that in her part of the country, hunting is “in your blood.” She knew she could not ask her husband to get rid of his guns. He needs the escape

that hunting provides, she said: "You got to have something to do in your life other than work."



Tessa Underhill at the playground where she and her son Tristan used to come to play. She is holding an urn with his ashes. Stephen Morton for The New York Times

Tessa Underhill, whose son Tristan was killed last year in Georgia, has also struggled over where to draw the line. As a former corrections officer and Army veteran, she is no stranger to firearms. She used to enjoy going out shooting. Now she is finished with guns, refusing to allow them in her house.

"My child living is more important to me than somebody stealing my flat screen," she said.

She knows, however, that her husband, whom she is in the process of divorcing, still has a rifle. Her other son, Matthew, now 6, is therefore still exposed to firearms. When asked if she would want Matthew to go shooting with his father one day or be a gun owner himself, she paused.

"That's a hard question," she said. "I know that's something men do, that fathers and sons do."

"You need to know how to use one," she added. "Do I want him to have a gun case full of guns? If he keeps them unloaded and is safe about it."

*Griff Palmer contributed reporting.*

A version of this article appears in print on September 29, 2013, on page A1 of the New York edition with the headline: Children and Guns: The Hidden Toll.

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# Wisconsin Medical Society

Your Doctor. Your Health.

TO: Assembly Committee on State Affairs  
Representative Rob Swearingen, Chair

FROM: Mark Grapentine, JD – Senior Vice President, Government Relations

DATE: February 20, 2018

RE: **Support** for Assembly Bill 149

On behalf of nearly 12,500 members statewide, thank you for this opportunity to share the Society's support for Assembly Bill 149, which creates a sales and use tax exemption for gun safe sales.

The Society has policy on point on this issue:

#### **ACC-010: Firearm Possession and Safety**

The Wisconsin Medical Society recognizes that uncontrolled ownership and use of firearms, especially handguns, is a serious threat to the public's health inasmuch as the weapons are one of the main causes of intentional and unintentional injuries and deaths.

The Society supports laws and regulations that:

- Promote firearm safety.
- Keep firearms, especially handguns, out of the hands of children except in the cases of adult supervised hunting and sport shooting outings.
- Prevent firearms from being sold to, or possessed by, convicted felons and those with a diagnosed mental illness that may make them a hazard to themselves and others.
- Impose criminal background checks and a waiting period for the purchase of any firearms.
- Prohibit the manufacture and sale of handguns with barrel lengths of less than four inches.
- Prohibit possession of a firearm by people who are subject to a court-ordered injunction for domestic abuse or child abuse.

Further, the Society supports joint meetings between representatives of the American Medical Association and the National Rifle Association to facilitate communication and resolve differences so that gun violence in America can be reduced.

The Society also believes that the licensing of individuals to carry concealed firearms should be based on evidence showing net benefit to the health of the public. (HOD 0417)

Assembly Bill 149 would incentivize the purchase of gun safes by exempting them from state sales and use tax. Enactment of AB 149 into law could also bring more attention to the availability and positive aspects of safe firearms storage, further increasing sales and therefore enhancing safety.

Thank you again for this opportunity to share our support for Assembly Bill 149. Please feel free to contact us with any questions related to this or other health care issues.